

REMARKS

Claims 1, 3, 6, 8 to 10, 14, 15, 17, 19, 20, 22, 24 to 31, and 63 to 74 as amended are present for purposes of prosecution.

Reconsideration of the rejection of this application is respectfully requested in view of the above amendments and the following remarks.

Applicants note with appreciation that Claims 28 to 30 and 63 have been allowed.

Claims 1 to 3, 8 to 10, 14, 15, 17, 19, 20, 22, 24, 25, 31 and 64 to 73 are rejected under (1) 35 U.S.C. §102(e) as being anticipated by Almario-Garcia et al., Chem Abstract 135:25726, and (2) 35 U.S.C. §103(a) as being unpatentable over EP1136489.

The cited Chem Abstracts 135:257761 (published in 2001) is an abstract of EP1136489 which published on September 26, 2001.

The present application was filed on September 25, 2000 which is earlier than the publication dates of the cited Chem Abstract reference and EP1136489. Accordingly, both the cited Chem Abstract reference and EP1136489 cannot be used to reject the present application.

In addition, please note that the present application takes priority from provisional application 60/158,755 filed on October 12, 1999 which discloses compounds which define R¹ as including a pyrimidine.

Claims 1 to 3, 6, 8 to 10, 14, 15, 17, 19, 20, 22, 24 to 27, 31 and 63 to 76 are rejected under 35 U.S.C. §112, first paragraph. The Examiner objects to the term "prodrug". Basis for the term "prodrug" is found in the specification at page 21, lines 1 to 6. The references there mentioned provide sufficient teachings to support use of this term. Applicants are not required to include the mechanism of action of the prodrug.

Claims 14, 22, 24, 69, 73 and 76 are rejected under 35 U.S.C. §112, second paragraph. The Examiner contends that these claims "recite the limitation of a zigzag symbol . . . which has been changed to a line. There is insufficient antecedent basis for this limitation in the claim."

Claims 14, 22, 24, 69 and 73 have been amended to include "Z" as defined in Claim 1 as requested by the Examiner.


Claim 2 has been cancelled.

The formula for the R¹ benzimidazole has been corrected.

In view of the foregoing, it is believed that all formal objections have been overcome. In addition, it is submitted that Claims 1, 3, 6, 8 to 10, 14, 15, 17, 19, 20, 22, 24 to 31 and 63 to 74 are patentable over all cited references each taken singly or in any combination. Accordingly, a prompt allowance of this application is believed to be in order and such action is respectfully requested.

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Date: *June 3, 2004*